

Resolution No.:	<u>18-72</u>
Introduced:	<u>February 10, 2015</u>
Adopted:	<u>March 10, 2015</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Declaration of No Further Need: Disposition of Portion of Conference Center Parcel located at 5701 Marinelli Road, North Bethesda

Background

1. Montgomery County Code §11B-45 requires the Council to approve a Declaration of No Further Need before the County Executive can dispose of real property that has more than nominal value. Prior to seeking Council approval of a Declaration of No Further Need, the Executive must:
 - (a) submit all material terms of the proposed disposition and any appraisal the Executive relied on in setting the property's market value to the Council; and
 - (b) publish a declaration in the County Register and post a notice on the County website that the County has no further need for the property.

The Council must act on the Declaration of No Further Need within 60 days of receiving the Declaration or it is automatically approved. The Council may extend the 60-day deadline by resolution if the Council President has informed the Executive, within 30 days of receiving the proposed action, that the Council has not received all information necessary to review the proposed action.

If the Council, by resolution, approves the Executive's Declaration of No Further Need, the Executive may dispose of the property for fair market value. The Council may waive the requirement for a full market value disposition.

2. On December 5, 2014, the Executive submitted a summary of the material terms for the disposition of a 3.1 acre portion of the Conference Center Parcel located at 5701 Marinelli Road in North Bethesda. The County intends to enter into a new sublease with the current long-term sublessee, a JBG controlled entity. The current sublease contains use restrictions that prevent the land, currently surface parking to support the hotel and conference center, from being developed for any use other than a hotel. The property, which sits in the middle of the White Flint Sector Plan and across Rockville Pike from the White Flint Metro Station, has significant zoning capacity and flexibility that cannot be achieved in the absence of changes to the existing sublease.

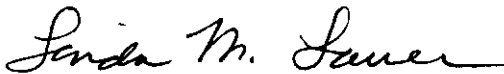
3. On January 15, 2015, the material terms were reviewed by the Joint Planning, Housing and Economic Development Committee and Government Operations and Fiscal Policy Committees. The Joint Committees recommended the Council hold a public hearing on the disposition.
4. On January 29, 2015, the Council received Executive Order 015-15, Material Terms for Disposition of Portion of Conference Center Parcel located at 5701 Marinelli Road, North Bethesda. This is the Executive's Declaration of No Further Need. In his transmittal, the County Executive requested that the Council waive fair market value for the disposition.
5. The material terms were discussed in a closed session on February 3, 2015.
6. A public hearing was held on March 3, 2015.
7. The Council agreed to the Executive's request to waive the requirement for a fair market exchange.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Declaration of No Further Need contained in Executive Order 015-15, Material Terms for Disposition of a Portion of Conference Center Parcel located at 5701 Marinelli Road, is approved. The Executive may dispose of the property in a manner consistent with the material terms as described in his January 29, 2015 transmittal and in memoranda dated December 5, 2014 and January 8, 2015 and as described in a closed session on February 3, 2015. The Council waives the requirement that the property must be disposed of in a fair market exchange.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council